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RICHARD RUBENSTEIN - February 22, 2006

<p>Page 130</p> <p>1 has presented to ANMC, either to the Family 2 Medicine Clinic or to the ER, where he could not 3 control his pain after taking his Percocet or any 4 other pain medication? 5 A. I think there were a number of 6 times when he presented with breakthrough pain 7 requesting additional pain medication. Let's go 8 back and look at the record. 9 Q. Let's -- I want to do that. 10 A. Sure. 11 Q. Because I want to know when -- let 12 me just clarify this. 13 On this morning of April 19 he was not 14 seeking pain medication; isn't that true? 15 A. You know, I don't have any way of 16 knowing. I mean, he came in for symptoms, and he 17 reported that he had ear and jaw and head pain and 18 that he had taken Percocet. You know, I don't 19 know. That is -- you know, I don't know whether 20 he was drug seeking, I don't know, you know -- I 21 just know that he was complaining of pain. 22 Q. Do you recall from Donna Fearey's 23 deposition that she said he was not looking for 24 pain medication and that she didn't think he was 25 looking for pain medication?</p>	<p>Page 132</p> <p>1 is page 76 -- that he was -- if he presented to 2 the ER in pain, and she said his ears and head -- 3 she stated that his ears and head were hurting, 4 and she was asked if she described his pain as 5 significant. She answered no. It did not seem 6 odd to her that someone showed up in the ER with a 7 complaint of pain. 8 She did not think that his pain was any 9 different than what he had experienced in the 10 past. He had had a history of pain in his ear and 11 jaw on the right with a history of mandibular 12 fracture. 13 She didn't talk to him about whether 14 this pain was different than what he had 15 experienced before. And she did not talk to him 16 about whether this was worse than pain he had had 17 in the past. 18 I don't see exactly, you know, where you 19 are referring to, at least in my summary. 20 Q. I will pull that in a moment, but 21 you just read your -- from your summary, and 22 certainly you noted that Nurse Fearey didn't talk 23 to him about whether or not this pain was 24 different than what he had had before? 25 MR. GUARINO: I object to foundation on</p>
<p>Page 131</p> <p>1 A. She also said, just as Nurse 2 Ambrose says, that he didn't appear to be in that 3 much pain. He was not any different in appearance 4 than -- I mean, he was not sitting there holding 5 his head like I would, you know, expect an acute 6 subarachnoid hemorrhage to do, with his head 7 between his legs, et cetera. She said he 8 didn't -- and Nurse Ambrose corroborated her by 9 saying he didn't really look that -- he didn't 10 look different than he had ever looked before. 11 Q. But my question was, do you recall 12 from her deposition testimony that she said that 13 she didn't think he was looking for pain 14 medication, that's not why he was there? 15 A. Let me go back and look at her 16 deposition. 17 Q. When you say you are looking at 18 his -- you're looking at your chronology; is that 19 correct? 20 A. Correct. Repeat your question 21 again. 22 Q. I was asking if you recall from her 23 deposition testimony that he was not there looking 24 for pain medication. 25 A. She said that she was asked -- this</p>	<p>Page 133</p> <p>1 that. If we are going to quote her deposition, we 2 should quote the deposition. 3 MS. McREADY: I am -- Gary, your 4 objection is noted. Dr. Rubenstein can answer the 5 question. He is reading from his summary, which 6 was based on -- 7 Q. That's based on your review of her 8 deposition; is that correct? 9 A. Correct, Yes. 10 Q. And so she didn't -- she 11 acknowledged that she didn't talk to him whether 12 or not the pain was different than what he had had 13 before; is that your understanding? 14 MR. GUARINO: I object to the foundation 15 of that question. 16 MS. McREADY: Q. Go ahead. 17 A. Yes, she stated that. 18 Q. And she also stated that she didn't 19 discuss with him whether or not this was the worst 20 pain he had ever had? 21 A. Correct. 22 MR. GUARINO: Same objection to that 23 question. 24 MS. McREADY: Q. And would you agree 25 that in taking a history of a patient who presents</p>